

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-06 ISO-00 CIAE-00 DODE-00 PM-03 H-01

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P 230924Z OCT 74

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 3460

INFO AMCONSUL BORDEAUX

AMCONSUL LYON

AMCONSUL MARSEILLE

AMCONSUL MARTINIQUE

AMCONSUL NICE

AMCONSUL STRASBOURG

LIMITED OFFICIAL USE SECTION 01 OF 02 PARIS 24983

E.O. 11652: N/A

TAGS: PINT, FR

SUBJECT: FRENCH PARLIAMENT PASSES CONSTITUTIONAL
AMENDMENT

SUMMARY. A SUCCESSFUL CONSTITUTIONAL AMENDMENT GIVES
GISCARD A MINOR BUT REAL VICTORY IN HIS DRIVE TO FORGE
A "NEW MAJORITY" FOR CONTINUING REFORM IN FRANCE. END
SUMMARY.

1. MEETING IN VERSAILLES IN JOINT SESSION AS A
CONSTITUTIONAL CONGRESS OCTOBER 21, THE FRENCH
PARLIAMENT RATIFIED A PROPOSED REVISION TO ARTICLE 61 OF
THE CONSTITUTION. THE VOTE, 488 TO 273, EXCEEDED THE
REQUIRED THREE-FIFTHS MAJORITY BY A COMFORTABLE MARGIN
OF 31. IT FOLLOWED STRICT PARTY LINES WITH VIRTUALLY
NO DEFECTIONS. 170 OF 174 GAULLIST DEPUTIES VOTED FOR
THE AMENDMENT.

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2. THE CHANGE ALLOWS ANY GROUP OF 60 DEPUTIES OR 60

SENATORS TO ASK THE CONSTITUTIONAL COUNCIL TO REVIEW LAWS WHICH THEY BELIEVE ARE UNCONSTITUTIONAL. PREVIOUSLY ONLY THE PRESIDENT, THE PRIME MINISTER OR THE PRESIDENTS OF THE NATIONAL ASSEMBLY AND SENATE COULD REQUEST SUCH REVIEW. THE REFORM MEASURE BEGAN AS AN AMENDMENT WHICH WOULD HAVE TURNED THE CONSTITUTIONAL COUNCIL INTO A BODY AT LEAST VAGUELY RESEMBLING THE US SUPREME COURT. (THE COUNCIL, WITH NINE MEMBERS APPOINTED FOR NINE-YEAR TERMS, PRESENTLY OVERSEES THE CONSTITUTIONALITY OF PROPOSED LEGISLATION, ASSURES THE LEGALITY OF NATIONAL ELECTIONS, AND ACTS AS FINAL JUDGE IN CASE OF DOUBT AS TO THE PRESIDENT'S ABILITY TO FUNCTION.) THE AMENDMENT WAS HEAVILY WATERED DOWN WHEN A NUMBER OF DEPUTIES -- INCLUDING GAULLISTS -- MADE CLEAR THEY WOULD RESIST GIVING THE COUNCIL AN INDEPENDENT ROLE.

3. GISCARD WENT ON TELEVISION THE EVENING OF OCTOBER 21 TO STRESS THE IMPORTANCE HE ATTACHED TO THE CONSTITUTIONAL REFORM MEASURE AND TO THE NEW POLITICAL MAJORITY WHICH ADOPTED IT. (WE HAVE HEARD THAT HE DECIDED TO ADDRESS THE NATION ONLY AFTER HE WAS CERTAIN OF THE RESULT; IF THE REFORM HAD FAILED OR HAD BARELY SQUEAKED BY, PRIME MINISTER CHIRAC WOULD HAVE DELIVERED THE ADDRESS). GISCARD CITED THE AMENDMENT AS PROOF THAT IF A REFORM MEASURE IS REASONABLE, IT IS POSSIBLE TO IMPLEMENT IT BY PARLIAMENTARY MEANS. IN POINTING OUT THAT THE AMENDMENT GIVES CERTAIN RIGHTS TO THE OPPOSITION, GISCARD IN EFFECT CHIDED THE LEFT FOR OPPOSING A REFORM WHICH IS IN ITS OWN INTEREST, WHILE CONTINUING HIS LOW-KEY CAMPAIGN TO GAIN MODERATE LEFT SUPPORT. HE ASSOCIATED THE CONSTITUTIONAL REFORM WITH THE RECENT MEASURE TO ASSURE 12 MONTHS' FULL SALARY UNEMPLOYMENT BENEFITS (PARIS 24426), ATTEMPTING TO SHOW THAT HIS GOVERNMENT WILL CONTINUE REFORM OF FRANCE'S INSTITUTIONS AS WELL AS IN THE AREA OF SOCIAL JUSTICE.

4. THE ASSEMBLY SPOKESMAN FOR THE LEFT, SOCIALIST DEPUTY CHANDERNAGOR, EXPLAINED THAT THE LEFT CONSIDERED LIMITED OFFICIAL USE

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THE PROJECT INOPPORTUNE AND INADEQUATE -- SINCE IT FAILED TO PROTECT PARLIAMENT AND THE COUNTRY AGAINST EXCESSES BY THE EXECUTIVE BRANCH -- AND THEREFORE DID NOT VOTE FOR IT.

5. COMMENT. THE AMENDMENT IN ITS FINAL WATERED-DOWN VERSION IS OF SOME INTRINSIC IMPORTANCE EVEN IF IT DID NOT STIR THE FRENCH PUBLIC, MORE CONCERNED WITH RISING

UNEMPLOYMENT. IT MODIFIES SOMEWHAT A LONG FRENCH TRADITION WHICH CONSIDERS PARLIAMENTARY ENACTMENTS AS EXPRESSIONS OF SOVEREIGN POPULAR WILL AND THEREFORE NOT SUBJECT TO QUESTIONING BY ANY OTHER AUTHORITY. FURTHERMORE THE AMENDMENT ENABLES GISCARD TO DEMONSTRATE THAT HIS NEW MAJORITY CAN AMEND DE GAULLE'S CONSTITUTION. THE GOVERNMENT CAN POINT TO THIS

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INFO AMCONSUL BORDEAUX

AMCONSUL LYON

AMCONSUL MARSEILLE

AMCONSUL MARTINIQUE

AMCONSUL NICE

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ACHIEVEMENT AS PROOF THAT THERE IS A MAJORITY FOR CONTINUING REFORM IN FRANCE. THE 31-VOTE MARGIN, WHICH GISCARD NOTED "LARGELY EXCEEDED" THE THREE-FIFTHS REQUIRED, WAS MORE THAN MANY OBSERVERS WERE PREDICTING. GISCARD HAS SUCCEEDED IN THIS PARTICULAR TEST OF GOVERNMENT COALITION COHESIVENESS.

6. FOR THE FIRST TIME IN ELEVEN YEARS, THE FRENCH

CONSTITUTION HAS BEEN AMENDED BY A VOTE OF PARLIAMENT.
WHERE POMPIDOU FAILED -- IN HIS 1973 ATTEMPT TO REDUCE
THE PRESIDENTIAL TERM FROM SEVEN TO FIVE YEARS --
GISCARD HAS SUCCEEDED, EVEN IF ON A SEEMINGLY MINOR
REFORM MEASURE. AS JUSTICE MINISTER LECANUET COMMENTED,
THIS SETS AN IMPORTANT PRECEDENT. BUT GISCARD DECIDED
AT THE LAST MINUTE NOT TO PRESS FOR A SECOND PROPOSED
AMENDMENT COVERING THE "SUPPLEANTS" (PROVIDING THAT
FORMER CABINET MEMBERS WOULD AUTOMATICALLY REGAIN THEIR
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ASSEMBLY SEATS SIX MONTHS AFTER LEAVING THE GOVERNMENT)
SINCE ITS CHANCES FOR PASSAGE WERE UNCERTAIN. THIS
ALONE SHOULD KEEP THE GOVERNMENT FROM TRUMPETING TOO
LOUDLY OVER ITS VICTORY.
STONE

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